

U.S. Patent Application Serial No. 10/649,994
Response dated February 28, 2005
Reply to OA of December 28, 2004

REMARKS

Claims 14 and 19 - 21 have been withdrawn. The applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated December 28, 2004.

At the outset, the applicant thanks the Examiner for indicating that claims 8 - 11 have been allowed.

In the outstanding Action, the Examiner has taken the position that "forming two layers of gate insulating film" as recited in claim 8, and "forming three layers of a gate insulating film" as recited in claim 10 are not shown in the applicant's drawings.

It is the applicant's position that the Examiner has improperly read the invention as defined in claims 8 and 10. More particularly, the second and third lines in claim 8 mean that the two layers consist of the gate insulating film (4) and the gate electrode (5). Moreover, the third and fourth lines in claim 10 mean that the three layers consist of the gate insulating film (104), the gate electrode (105) and the gate upper film (106).

U.S. Patent Application Serial No. 10/649,994

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Accordingly, all of the claimed elements or features recited in claims 8 and 10 are illustrated in the applicant's drawings.

It is thus respectfully requested that the Examiner's current position that certain claimed elements or features recited in claims 8 and 10 are not shown in the drawings be withdrawn.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

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In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees which may be due with respect to this paper, may be charged to Deposit Account No. 01-2340.

Respectfully submitted,

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